

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Date: February 22, 2007
Brian G. PAYTON et al.	Conf. No.: 9134
Serial No: 10/620,857	Group Art Unit: 2162
Filed: July 15, 2003	Examiner: Colan, Giovanna B.
Title: QUERY MODEL TOOL AND METHOD FOR VISUALLY GROUPING AND UNGROUPING PREDICATES	

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REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In the present application, independent claims 1, 18, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,421,008 to Banning et al. (“Banning”) in view of NPL entitled, “Kaleidoquery: A Visual Query Language for Object Databases” by Murray et al. (“Murray”).

Applicant respectfully submits that the § 103 rejections are improper since neither Banning nor Murray discloses a limitation recited in each of the independent claims and, therefore, a *prima facie* case of obviousness has not been established.

Claim 1 recites a query assist tool having a user interface for assisting a user in creating and/or editing a query statement. In particular, the user interface includes means responsive to the selection of two or more predicates (of a query statement) for visually indicating the grouping of the two or more predicates in a first display area of the user interface. The means for

indicating the grouping (of the two or more predicates) comprises one or more of: indenting the grouped predicates relative to other predicates of the search condition; positioning the grouped predicates adjacent to each other; and delineating the group with parenthesis or an equivalent symbol (emphasis added).

A. Banning Fails To Disclose Means For Visually Indicating A Grouping Of Two Or More Predicates In A First Display Area, In Which The Grouping Is Indicated By One Or More Of: Indenting The Grouped Predicates Relative To Other Predicates Of A Search Condition, Positioning The Grouped Predicates Adjacent To Each Other, And Delineating The Grouped Predicates With Parenthesis Or An Equivalent Symbol

Banning discloses a method, system, and program for interactive graphical construction of a database query. The system employs a graphical query interface and a relational database to provide a natural interface for a database user (see Abstract). The Examiner recognizes that Banning fails to disclose visually indicating a grouping through indentation, adjacent positioning, or delineation by a symbol (see page 4 of Office Communication mailed 22 August 2006). The Examiner, however, asserts that this limitation absent from Banning and recited in claim 1 is disclosed by Murray.

B. Murray Fails To Disclose Means For Visually Indicating A Grouping Of Two Or More Predicates In A First Display Area, In Which The Grouping Is Indicated By One Or More Of: Indenting The Grouped Predicates Relative To Other Predicates Of A Search Condition, Positioning The Grouped Predicates Adjacent To Each Other, And Delineating The Grouped Predicates With Parenthesis Or An Equivalent Symbol

Murray discloses a visual query language (Kaleidoquery) for object databases. In particular, Murray discloses that Kaleidoquery depicts a query as a filter flow (see paragraph 4). Throughout the paper, Murray provides example filter flows that are displayed to a user and corresponding object query language statements (see paragraph 5). For example, the visual query (filter flow) illustrated in FIG. 12 (page 252) corresponds to the object query language statement listed in paragraph 46 (page 251).

The Examiner cites page 251, paragraph 46 and page 253, paragraph 61 of Murray as disclosing means for visually indicating a grouping of two or more predicates by one or more of: indenting the grouped predicates relative to other predicates of a search condition, positioning the grouped predicates adjacent to each other, and delineating the grouped predicates with parenthesis or an equivalent symbol.

Applicant respectfully disagrees. The cited portions refer to object query language statements that are not displayed to a user. Rather, the visual queries that correspond to the object query language statements cited by the Examiner are respectively depicted in Figure 12 (page 252) and Figure 16 (page 253). The groups of predicates illustrated in Figures 12 and 16 are visually depicted using windows and connectors. See, for example, Figure 16 (items name, age, salary, and up arrows) and Figure 12 (arrows for employer and location = England). Although Murray graphically depicts queries, including predicates, Murray (as with Banning)

fails to disclose means for visually indicating a grouping of two or more predicates by one or more of: indenting the grouped predicates relative to other predicates of a search condition, positioning the grouped predicates adjacent to each other, and delineating the grouped predicates with parenthesis or an equivalent symbol.

C. The claim has limitations not taught by either reference

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Neither Banning nor Murray discloses means for visually indicating a grouping of two or more predicates by one or more of: indenting the grouped predicates relative to other predicates of a search condition, positioning the grouped predicates adjacent to each other, and delineating the grouped predicates with parenthesis or an equivalent symbol. Consequently, any combination of Banning and Murray cannot render claim 1 obvious.

Conclusion

On the basis of the above remarks, reconsideration of the § 103 rejections is respectfully requested. Claims 18 and 35 each incorporates limitations similar to those of claim 1. Claims 18 and 35 are also allowable over the combination of Banning and Murray for reasons corresponding to those set forth with respect to claim 1.

Applicants previously filed a Petition for (1) Month Extension Of Time at the time of filing the Reply to Final Office Action on December 20, 2006, allowing time concurrent to reply through December 22, 2006. An extension is due with the present filing of (3) three-months, less the \$120.00 in extension fees previously paid. Accordingly, Applicants hereby request the additional extension of time of (2) additional months, to accompany the Notice of Appeal and Request for Pre-Appeal Brief Conference filed concurrently herewith in the amount of \$900.00.

Respectfully submitted,
SAWYER LAW GROUP LLP

A handwritten signature in black ink, appearing to read "Kel. V.", with a horizontal line extending from the end of the signature.

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